G. R. S. App. F. IX-4]

1942-3

W File No. 149-42

Previous References.

(War)

Serial Nos. 41

Later References.

W22-43-14(a) & 15.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. One only

Part B for June 1943.

SUBJECT.

Amendments to the Defence of India Rules

Krishnan
11.6.43.

Kind reference is invited to the following notification in the Gazette of India dated 1st May 1943, 8th May 1943 and 15th May 1943.

Notification No.5-DC(23)/43. dated 1st May 1943 amends Rules 66 and 72 of the Defence of India Rules. Rule 66 is not in force in Mysore. The amendment to Rule 72 provides for cases where notice of acquisition of aircraft may be published in the Gazette where the person having the management thereof is not readily traceable. This may be adopted.

Notification No.5-DC(8)/43 dated 8th May 1943 amends Rule 81A. so that in the definition of the terms"strike" and"workman" as defined in the Trade Disputes Act, Trade or Industry carried on by a local authority may also be included. The measure in Mysore corresponding to the Trade Disputes Act is the Mysore Labour Act 1942. It is for orders if the amendment may be adopted by changing the reference to Trade Disputes Act into that of the Mysore Labour Act 1942, or if the whole Rule 81A may be modified so as to suit the wording of the Labour Act since in the other clauses of the Rule references are made to the Trade Disputes Act. In our Act the term "workman" is not defined, but the expression used is "employee".

By notification No.5-DC(26)/43 dated 8th May 1943 additional/sub-rule is inserted to Rule 84B so that a licence under a patent granted by any person after Govt. has granted one is declared void unless approval of Government is previously obtained. Rule 84B relates to grant of licenses under a patent owne

by an enemy subject. This amendment may perhaps be adopted.

Notification No. 5-DC(24)/43 dated 15th May 1943 introduces a new Rule 44A for the control of Cinema exhibitions. It provides for compelling Cinema exhibitors to exhibit approved films at each performance. This is probably intended to help war effort by causing films prepared towards such end being exhibited. It is for orders if this may be adopted.

Submitted with a draft notification adopting the above amendments except that for Rule 81A.

SG
27/5/43

The reasons for the insertion of Rule 44A has been explained in an article in the Hindu dt. 16.5.43 (page 3). It does not seem necessary at this stage to introduce a similar rule here. We may wait till the Govt of India move in the matter.

The other amendments may be notified.

Please bring up.

WP
30/5/43

for approval

Min R&L
thro Sec'y Law

WP
31/5/43

11832
28 MAY 1943
OF INDIA

3320/W

Amendments to the Defence of India Rules.

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Is it necessary to introduce it in Mysore now?

Cus
2-6-43

Home Dept. to follow the existing rule. No change is necessary.

Home Dept. also is necessary as it is desirable to bring the law in India into line with that in Britain.

Law Dept.

Cus
4-6-43

Issued 4378/W dated 8-6-1943 to the Compiler

SECY. LAW DEPT. 4/1943 GOVT OF MYSORE

OFFICE OF ... No 10285.

TYPING SECTION - 8 JUNE 1943 GEN. ... SECT.

No 4378/W dated 8-6-1943

W 149-42-41.

NOTIFICATION.

I. In exercise of the powers conferred by Section 2 of the Defence of India Act, 1939 (XXXV of 1939,) as applied to Mysore the Government of His Highness the Maharaja are pleased to direct that the following further amendments shall be made in the Defence of India Rules, as in force in Mysore, namely:—

. After rule 44 of the said Rules, the following rule shall be inserted, namely:-

"44-A. Control of cinematograph exhibitions.- (1) In this rule --

(a) "approved film" means a cinematograph film approved for the purposes of this rule by the ~~Central~~ Government;

(b) "cinema theatre" means a place licensed under the Cinematograph Act, ~~1918,~~ (Act XII of 1923) for the exhibition of cinematograph films;

(c) "exhibitor" means a person carrying on the business of exhibiting cinematograph films to the public.

(2) Every exhibitor shall cause to be exhibited at each performance given after the 14th September 1943, in every cinema theatre under his control one or more approved films the total length of which is not less than two thousand feet.

(3) Every exhibitor shall comply with any directions which the Government may by general or special order give as to the manner in which approved films shall be exhibited in the course of any performance.

(4) If any person contravenes the provi-

P.T.O.

sions of this rule, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both."

III. In sub-rule (3) of rule 72,--

(a) after the words "management of the aircraft", the words "or, as the case may be, published in the official gazette" shall be inserted; and

(b) for the words "notice is served", the words "notice is so served or published" shall be substituted.

IV. In rule 84B of the said Rules--

(i) after sub-rule(3), the following sub-rule shall be inserted, namely:-

"(3A) Where, under the power conferred by this rule, the Government has made an order granting a licence under a patent in which an enemy or an enemy subject was or had been interested, a licence under the patent granted by any other person after the making of the said order or the coming into force of this sub-rule, whichever is later, shall be void unless before the granting thereof that other person has applied for and obtained a certificate of approval by the Government of the granting of the licence and of the terms thereof, and shall cease to have effect if any conditions subject to which the certificate was granted are contravened or not complied with:

Provided that this sub-rule shall not affect--

(a) a licence granted under any powers conferred by the said order of the Government, or

(b) a licence granted, whether expressly or by implication, to a person acquiring, any article if the licence was granted to him as being a person acquiring that article and not as being a particular person."

(ii) in sub-rule (10)

(1) in clause (c), the word "or" shall be omitted;

(2) after clause (d), the following clause shall be inserted, namely:-

"(e) granting a certificate of approval of a licence".

By Order,

30/5/43 31/5/43

Chief Secretary to Government.

Please

The compiler may send Gazette for publication in part II of the Gazette and for supply of 150 copies to this office, 25 to D.G.O & 20 each to D.Cs & SDC.

Sd.

15/6/43

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 4378 / W 149-42-41

General and Revenue Secretariat,

Dated, Bangalore, 8th June 1943

NOTIFICATION.

I. In exercise of the powers conferred by Section 2 of the Defence of India Act, 1939 (XXXV of 1939,) as applied to Mysore the Government of His Highness the Maharaja are pleased to direct that the following further amendments shall be made in the Defence of India Rules, as in force in Mysore, namely:-

1. In sub-rule (3) of rule 72.-

(a) after the words "management of the aircraft", the words "or, as the case may be, published in the Official Gazette" shall be inserted; and

(b) for the words "notice is served", the words "notice is so served or published" shall be substituted.

2. In rule 84 B of the said Rules,-

(i) after sub-rule (3), the following sub-rule shall be inserted, namely:-

" (3A) Where, under the power conferred by this rule, the Government has made an order granting a licence under a patent in which an enemy or an enemy subject was or had been interested, a licence under the patent granted by any other person after the making of the said order or the coming into force of this sub-rule, whichever is later, shall be void unless before the granting thereof that other person has applied for and obtained a certificate of approval by the Government of the granting of the licence and of the terms thereof, and shall cease to have effect if any conditions subject to which the certificate was granted are contravened or not complied with:

Provided that this sub-rule shall not affect.-

(a) a licence granted under any powers conferred by the said order of the Government, or

(b) a licence granted, whether expressly or by implication, to a person acquiring, any article if the licence was granted to him as being a person acquiring that article and not as being a particular person"

(ii) in sub-rule (10)-

(1) in clause (c), the word "or" shall be omitted;

(2) after clause (d), the following clause shall be inserted, namely:-

"(e) granting a certificate of approval of a licence".

By Order,

For Chief Secretary to Government.

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette and for supply of 150 copies to this Office, 25 to Inspector General of Police in Mysore and 20 each to Deputy Commissioners of Districts.

E.M.R.15.